

EXHIBIT

C

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JESSICA B. SERRETT,

Plaintiff,

-against-

23-cv-6291 (LVJ) (LGF)

BARRY PORSCH, RONALD PAWELCZAK,
AMY FIELDS, and JANE DOES, et al.,

Defendants.

NEW YORK STATE UNIFIED COURT SYSTEM'S
RESPONSE TO PLAINTIFF JESSICA B. SERRETT'S
SUBPOENA FOR PRODUCTION OF DOCUMENTS

New York State Unified Court System (hereinafter, "UCS"), by its attorney, David Nocenti, in response to plaintiff Jessica B. Serrett's subpoena for production of documents, dated July 31, 2024 and served on UCS on August 6, 2024, such response being subject to supplementation, states as follows:

GENERAL OBJECTIONS AND RESERVATION OF RIGHTS

UCS submits this response without conceding the relevancy of the subject matter of any request, and without prejudice to all objections to the use or further production of any documents.

UCS objects to those requests that seek information not relevant to the above-captioned action.

UCS objects to those requests that are duplicative or cumulative and as to which information may be obtained from another source more convenient, less burdensome, and less expensive.

UCS objects to those requests that are unnecessarily burdensome or oppressive.

UCS objects to plaintiff's requests insofar as they call for non-discoverable matters.

These general objections shall be deemed to be continuing throughout the responses to specific request that follow, even when not referred to in said responses.

Without waiving the foregoing objections, defendant responds as follows:

Document Request No. 1

All documents contained in Jessica Serrett's personnel file concerning her time working for the UCS.

Response to Document Request No. 1

UCS objects to this request on the grounds that it is unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 2

All documents contained in Barry Porche's personnel file concerning his time as an elected judge.

Response to Document Request No. 2

UCS does not maintain a personnel file concerning Barry Porsche's time as an elected judge.

Document Request No. 3

All documents contained in Ronald Pawelczak's personnel file concerning his time working for the UCS.

Response to Document Request No. 3

UCS objects to this request on the grounds that it is unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 4

All documents contained in Amy Field's personnel file concerning her time working for the UCS.

Response to Document Request No. 4

UCS objects to this request on the grounds that it is unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 5

All documents contained in Christopher Folk's personnel file concerning his time working for the UCS and/or Barry Porsch.

Response to Document Request No. 5

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 6

All communications, including without limitation text or chat messages on work or personal devices, concerning Jessica Serrett, from July 1, 2021 to the present involving the following current or former UCS employee or judges:

- a. Barry Porsch;
- b. Ronald Pawelczak;
- c. Amy Fields;
- d. Amy Monachino;
- e. Amie DeCicca;

- f. Lisa Cerra;
- g. Peggy Inis;
- h. Suzanne Leisenring;
- i. Carol Winslow;
- j. Lindsey Sholly;
- k. Joseph Waldorf;
- l. Stacy Astudillo; and/or
- m. William Taylor.

Response to Document Request No. 6

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, vague, ambiguous, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 7

All communications and documents concerning the hiring of Jessica Serrett to be Barry Porsch's law clerk/court attorney in or around November 2021.

Response to Document Request No. 7

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 8

All communications and documents concerning the end of Jessica Serrett's employment as Barry Porsch's law clerk/court attorney in or around February 2022.

Response to Document Request No. 8

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential or legally privileged from disclosure.

Document Request No. 9

All communications, from January 18, 2022 to February 14, 2022, involving Jessica Serrett and the following current or former UCS employees or judges:

- a. Angela Szewczyk;
- b. Joseph Waldorf;
- c. Nicole Fantigrossi; and
- d. Nicole Botti

Response to Document Request No. 9

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential or legally privileged from disclosure.

Document Request No. 10

All communications involving Barry Porsch concerning Jessica Serrett's work on or involvement, from November 1, 2021 to February 14, 2022 with:

- a. Supreme Court cases or other Supreme Court matters;
- b. Cases or matters other than Supreme Court Cases.

Response to Document Request No. 10

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 11

All documents and communications from January 1, 2021 to the present concerning any problems, issues, or management of the docket of, or progress of work on, Supreme Court cases or matter pending in Seneca County.

Response to Document Request No. 11

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, vague, ambiguous, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 12

All communications concerning the possibility of, and actual, termination or separation of Christopher Folk's employment with UCS and/or Barry Porsch, involving Barry Porsch and:

- a. Craig Doran;
- b. William Taylor;
- c. Ronald Pawelczak; and/or
- d. any other person.

Response to Document Request No. 12

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 13

All communications and documents concerning Jessica Serrett's complaint filed with the NYS Division of Human Rights against, among other, Barry Porsch, and docketed as Case No. 10216303. Please provide a privilege log for any documents or communications asserted to be protected by the attorney-client privilege or work product doctrine.

Response to Document Request No. 13

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential or legally privileged from disclosure.

Document Request No. 14

All communications and documents concerning this Action involving Barry Porsch, Ronald Pawelczak, and/or Amy Fields which are not protected by the attorney-client privilege or work product doctrine.

Response to Document Request No. 14

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, vague, ambiguous, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 15

All documents and communications concerning Jessica Serrett's intention to care of a foster child from January 18, 2022 to the present.

Response to Document Request No. 15

UCS objects to this request on the grounds that it is over broad, unduly oppressive

and burdensome, and seeks documents not relevant to the claims in this action.

Document Request No. 16

All documents and communications concerning Jessica Serrett's request or proposal to take time off of work during the months of February and March 2022 for the purposes of caring for a foster child.

Response to Document Request No. 16

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 17

All documents and communications concerning the placement of a foster child in Jessica Serrett's care at any time.

Response to Document Request No. 17

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action.

Document Request No. 18

All communications involving both Ronald Pawelzak and Barry Porsch on February 4, 2022.

Response to Document Request No. 18

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 19

All documents and communications concerning Jessica Serrett's potential unemployment benefits or compensation from February 14, 2022 to the present, including without limitation communications involving the New York State Department of Labor.

Response to Document Request No. 19

UCS objects to this request on the grounds that it is over unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 20

All documents concerning Jessica Serrett's receipt of any Covid-19 vaccine.

Response to Document Request No. 20

UCS objects to this request on the grounds that it is over unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 21

All documents and communications concerning an in-person meeting involving William Taylor and Barry Porsch in Seneca County on or around February 1, 2022.

Response to Document Request No. 21

UCS objects to this request on the grounds that it is over unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 22

Transcripts of court proceedings of any and all cases and matters heard in any Seneca County court on December 3, 2021.

Response to Document Request No. 22

UCS objects to this request on the grounds that it is over unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and can be obtained from the court reporters who transcribed such proceedings.

Document Request No. 23

Transcripts of court proceedings of any al all cases matters heard in any Seneca County court on January 18, 2022.

Response to Document Request No. 23

UCS objects to this request on the grounds that it is over unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and can be obtained from the court reporters who transcribed such proceedings.

Document Request No. 24

All documents and communications concerning Jessica Serrett's role hearing, listening to, or meeting with any parties or counsel involved in case pending in Seneca County on December 3, 2021.

Response to Document Request No. 24

UCS objects to this request on the grounds that it is over unduly oppressive and

burdensome, and seeks documents not relevant to the claims in this action.

Document Request No. 25

All documents and communications concerning Jessica Serrett's role hearing, listening to, or meeting with any parties or counsel involved in case pending in Seneca County on January 18, 2022.

Response to Document Request No. 25

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action.

Document Request No. 26

All documents concerning any policy or written guidelines concerning a New York State judge's law clerk or court attorney hearing, listening to, or meeting with parties in a pending case without the presence of a judge.

Response to Document Request No. 26

UCS objects to this request on the grounds that it is over unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action.

Document Request No. 27

All documents and communications concerning Jessica Serrett's communications with Amy Fields on 2022 about potentially taking leave under the Family and Medical Leave Act ("FMLA").

Response to Document Request No. 27

UCS objects to this request on the grounds that it is unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 28

Any policies or procedures applicable to Jessica Serrett's communications with Amy Fields in 2022 about potentially taking FMLA leave.

Response to Document Request No. 28

UCS objects to this request on the grounds that it is unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action.

Document Request No. 29

All FMLA forms furnished to Jessica Serrett, and any completed FMLA forms returned by Jessica Serrett, between December 1, 2021 and February 14, 2022.

Response to Document Request No. 29

UCS objects to this request on the grounds that it is unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 30

All documents and communications concerning any New York State Commission on Judicial Conduct case, matter, or investigation involving Barry Porsch.

Response to Document Request No. 30

UCS objects to this request on the grounds that it is unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action, and maintained by UCS as confidential or legally privileged from disclosure.

Document Request No. 31

All documents identifying instances where Jessica Serrett signed onto Microsoft Teams during a hearing or conference of any case or matter pending in Seneca County from November 1, 2021 to February 14, 2022.

Response to Document Request No. 31

UCS objects to this request on the grounds that it is unduly oppressive and

burdensome, and seeks documents not relevant to the claims in this action.

Document Request No. 32

All documents concerning any policies and procedures applicable to the UCS's compliance with federal or state anti-discrimination and retaliation laws, including without limitation Title VII and NY Exec. Law § 296-a (1) (b).

Response to Document Request No. 32

UCS objects to this request on the grounds that it is broad, unduly oppressive and burdensome, vague, ambiguous, and seeks documents not relevant to the claims in this action, and maintained by UCS as confidential or legally privileged from disclosure.

Document Request No. 33

Any letters, including any drafts of such letters, which were provided to Jessica Serrett on February 14, 2022 communication her resignation, in its/their native format with any and all metadata intact.

Response to Document Request No. 33

UCS objects to this request on the grounds that it is over unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action.

Document Request No. 34

All communication and documents concerning any consideration, investigation, review (legal or otherwise), input or guidance concerning the decision to provide Jessica Serrett the opportunity to resign in lieu of termination at any time, both before and after February 14, 2022.

Response to Document Request No. 34

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, vague, ambiguous, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential or legally privileged from disclosure.

Document Request No. 35

All call logs concerning phone calls Barry Porsch made or received between November 1, 2021 and February 14, 2022 concerning Jessica Serrett.

Response to Document Request No. 35

UCS objects to this request on the grounds that it is unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, or in possession of UCS.

Document Request No. 36

All documents concerning any litigation hold concerning Jessica Serrett's New York State Division for Human Rights Complaint Case No. 10216303, or this Action.

Response to Document Request No. 36

UCS objects to this request on the grounds that it is unduly oppressive and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential or legally privileged from disclosure. Subject to, and without waiving these objections, UCS will produce documents responsive to this request.

Document Request No. 37

All documents and communications concerning Jessica Serrett's work performance at any time.

Response to Document Request No. 37

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, vague, and ambiguous, and seeks documents not relevant to the claims in this action, and maintained by UCS as confidential, and legally privileged from disclosure.

Document Request No. 38

All documents concerning Jessica Serrett's resignation on February 14, 2022.

Response to Document Request No. 38

UCS objects to this request on the grounds that it is unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action, and maintained by UCS as confidential.

Document Request No. 39

All audio or video recordings of Jessica Serrett, except for those where Jessica Serrett appears in person or virtually during a scheduled hearing, meeting or other appearance for a case or matter.

Response to Document Request No. 39

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, vague, ambiguous, and seeks documents not relevant to the claims in this action.

Document Request No. 40

All documents and communications concerning any complaints or grievances made concerning any Barry Porsch, Ronald Pawelczak, and/or Amy Fields.

Response to Document Request No. 40

UCS objects to this request on the grounds that it is over broad, unduly oppressive

and burdensome, vague, ambiguous, and seeks documents not relevant to the claims in this action, and maintained by UCS as confidential or legally privileged from disclosure.

Document Request No. 41

All documents and communications concerning Jessica Serrett's intentions or plans to become pregnant or foster/adopt a child.

Response to Document Request No. 41

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action.

Document Request No. 42

All documents and communications concerning the enclosed document bates-stamped Defendants 000230 and its contents, including without limitation:

- a. the native file of the document;
- b. all texts referred to in the document;
- c. any OCA Inspector General documents or communications concerning Plaintiff or any Defendant;
- d. "Carol's emails [attached] to this note";
- e. The last paragraph, which begins with "On or about 6PM..." and ends with "... for a possible investigation by the OCA IG Office."

Response to Document Request No. 42

UCS objects to this request on the grounds that it is over broad, unduly oppressive

and burdensome, seeks documents not relevant to the claims in this action, and maintained by UCS as confidential or legally privileged from disclosure.

Document Request No. 43

All documents and communications from Plaintiff to former Judge Richard Dollinger and/or his assistant Kim Keskin concerning Judicial Referee Daniel Majchrzak, Jr.

Response to Document Request No. 43

UCS objects to this request on the grounds that it is over broad, unduly oppressive and burdensome, and seeks documents not relevant to the claims in this action.

Dated: August 20, 2024
New York, New York

DAVID NOCENTI

Counsel, Office of Court Administration
New York State Unified Court System
25 Beaver Street - 10th Floor
New York, New York 10004
(212) 428-2150

Attorney for New York State Unified Court

By: 
Pedro Morales
pmorales@nycourts.gov

TO: GREGORY L. SILVERMAN, ESQ.
GREGORY L. SILVERMAN, ESQ., P.C.
118 Genesee Street
Geneva, New York 14456
(585) 480-6686
greg@silverman-law.com

Attorneys for Plaintiff Jessica B. Serrett

DECLARATION OF SERVICE

I, PEDRO MORALES, declare under penalty of perjury that the foregoing is true and correct: On August 20, 2024, I served a copy of the New York State Unified Court System's Response to Plaintiff Jessica B. Serrett's Subpoena for the Production of Documents, dated August 20, 2024, by depositing a true and accurate copy of the paper, enclosed in a properly-addressed envelope with first class postage duly paid and affixed to the envelope, in an official mail depository of the United States Postal Service located at the United States Postal Service Whitehall Retail Station, One Whitehall Street, New York, New York 10004, with the envelope addressed as follows:

Gregory L. Silverman, Esq.
Gregory L. Silverman, Esq., P.C.
118 Genesee Street
Genva, New York 14456.

Dated: New York, New York
August 21, 2024



Pedro Morales
Counsel's Office
Office of Court Administration
N.Y.S. Unified Court System
25 Beaver Street, 10th Floor
New York, New York 10004